ELECTION SUPERVISION:

The United Nations Experience in Namibia and Nicaragua

IN November 1989, the people of Namibia went to the polls to choose representatives to the first Constituent Assembly of their soon-to-be independent nation. The entire electoral process, from registration of voters to the counting of the vote, took place under the supervision and control of the United Nations. In a year-long operation, the UN played a pivotal role in bringing Namibia to independence through peaceful means. In February 1990, the United Nations was again called upon to undertake activities related to elections, this time in Nicaragua, in the wider context of the regional peace process in Central America. This was an operation without precedent in UN history. For the first time, the Government of a sovereign State invited the United Nations to monitor its national electoral process and to verify it as free and fair at every stage.

Election monitoring is not new to the United Nations. Before the operations in Namibia and Nicaragua, UN teams had observed referendums or supervised elections and plebiscites, particularly in various Trust and Non-Self-Governing Territories as they moved towards self-determination. However, these two recent operations greatly expanded the scope of the United Nations role in this regard. In Nicaragua, the UN officially observed elections in an independent country; in Namibia, it was central to the process of self-determination, nation-building and democratic political change. Recently, there have been other calls for United Nations election monitoring. In order to secure conditions of fairness and impartiality, the Secretary-General has indicated that UN operations which include election monitoring should cover the entire electoral process and can be undertaken only at the request of the State concerned. The Secretary-General has stressed that support by the public of that State for the United Nations role is of vital importance.

UNITED NATIONS

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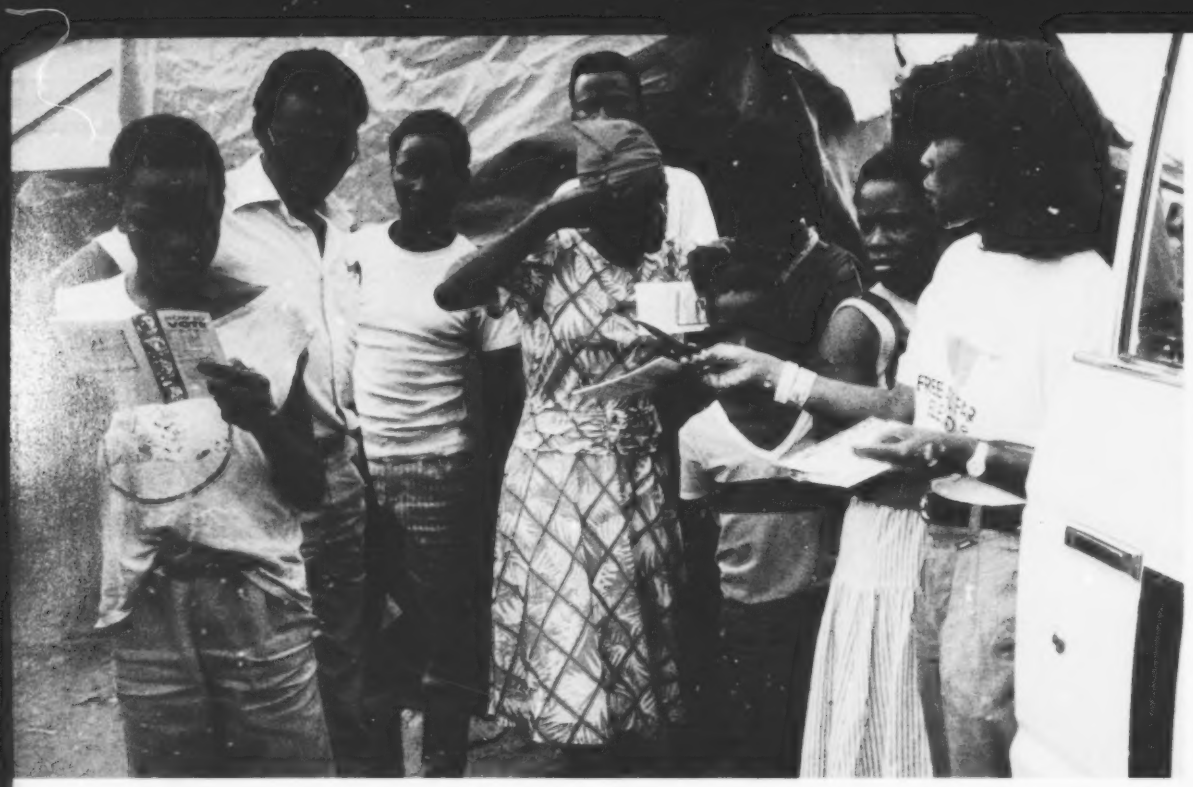

NAMIBIA

United Nations Transition Assistance Group in Namibia (UNTAG)

Free elections in Namibia, supervised and controlled by the United Nations, were first envisaged by the UN Security Council in 1976. Two years later, in resolution 435 of 29 September 1978, the Council established the definitive United Nations plan for Namibian independence. According to this plan, every stage of the electoral process was to be conducted to the satisfaction of a Special Representative for Namibia appointed by the Secretary-General. A United Nations Transition Assistance Group was to be placed at his disposal to help him supervise the political process and ensure that the parties concerned complied with the agreed plan. It was only ten years later—in April 1989—that implementation could begin, following a number of regional agreements designed to achieve a settlement of the wider conflict in south-western Africa.

UNTAG's mandate was primarily political, involving civilian, police and military elements deployed throughout the country and having specific duties to perform, always with the overall objective of ensuring conditions for a free and fair electoral process. This meant monitoring the cease-fire and the withdrawal of South African forces and seeing to it that law and order were impartially maintained. Above all, it meant that, while South Africa would continue to administer the Territory until independence and the elections themselves would be organized by the South African appointed Administrator-General, UNTAG had to ensure that Namibians would feel sufficiently confident and adequately informed to exercise a free choice, devoid of intimidation, regarding their political future.

Crucial in the transition process were UNTAG's 10 regional and 32 district centres, which provided the political and information network needed to fulfil the mandate. These centres were part of the UNTAG civilian component, as was the electoral division, created to advise the Special Representative of the Secretary-General, Mr. Martti Ahtisaari, on all aspects of the election and to

UNTAG

help him supervise the entire electoral process. The division's relatively small core staff was augmented during the peak times of registration and the election itself by large numbers of additional staff from the United Nations system and from governments. The electoral division was also responsible for assisting the Special Representative in the prolonged and difficult negotiations with the South African Administrator-General concerning electoral legislation and its implementation by the South African authorities. To encourage the fullest possible participation by the public in the electoral process, the Special Representative asked that draft registration and electoral legislation be published with a request for comments. Many comments were received on the drafts, some of which were highly critical. In the course of the Special Representative's intensive negotiations with the Administrator-General to correct these deficiencies, UNTAG's legal staff was reinforced from the United Nations Secretariat and the Secretary-General himself intervened at crucial moments.

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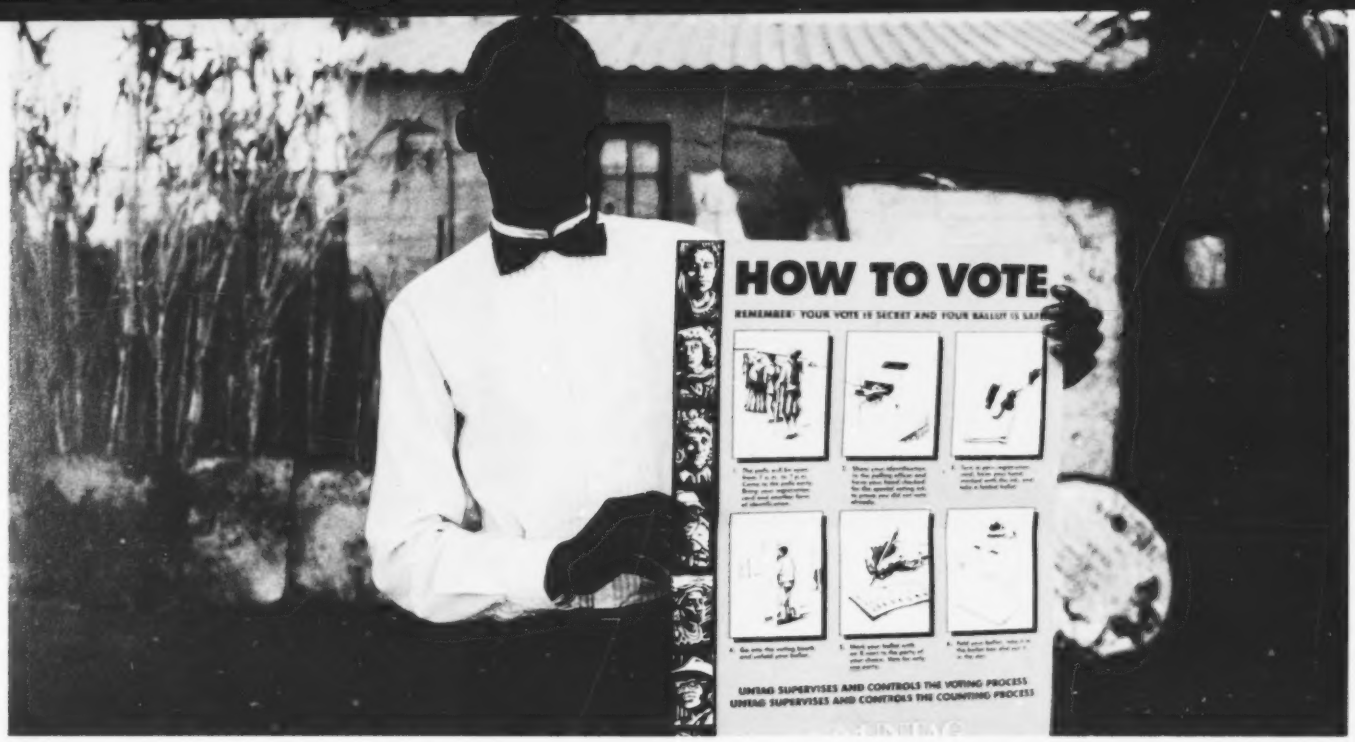
For the purposes of registration and the elections, the territory was divided into 23 electoral areas, in each of which an UNTAG official, usually from one of the regional or district political offices, was appointed district supervisor. Registration began on 3 July 1989 and was extended until 23 September at the request of the Special Representative in order to accommodate all eligible voters. Seventy registration centres were established, together with 110 mobile registration teams which covered 2,200 registration points throughout the country, all of which were supervised by UNTAG officials. UNTAG civilian police were also present at each location to ensure against intimidation from any side. Before an application for registration could be refused, the consent of UNTAG was required, and provision was made for appeals. The Central Register was also supervised by UNTAG computer experts. Each week, a computerized list of registrants was made available to all political parties.

When the Secretary-General visited Namibia in late July, he convened a meeting at UNTAG headquarters of the leaders of all the parties which intended to contest the election. He suggested they meet regularly under the chairmanship of the Special Representative to resolve any problems which might occur. The Special Representative then negotiated with the parties a political Code of Conduct, a document of central importance since it laid down the ground rules for political conduct in a country which had never before enjoyed free and fair elections. It was essentially self-policing and self-enforcing. UNTAG made the



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fullest use of the Code, holding regular meetings with political leaders at UNTAG headquarters and at its regional and district centres, to deal with problems that had arisen and to pre-empt any others. As the election campaign got under way, there were widespread allegations of violence and intimidation, which were promptly investigated by UNTAG civilian police and political officers. The situation gradually improved until, during election week, tranquil conditions prevailed.

To prepare Namibians to exercise their free choice, a vigorous voter education programme was carried out by UNTAG, the Administrator-General and the political parties. As a result of many years of colonialism and *apartheid*, Namibia had a public information system which was characterized by deeply partisan newspapers and a public broadcasting system prone to biased reporting. UNTAG had to neutralize this situation and to provide Namibians with relevant and objective information about the settlement plan and the electoral process. The UNTAG information service used radio, television, visual and printed materials, as well as traditional word-of-mouth, to reach out to all the people in their areas. At the same time, UNTAG political officers spoke to local opinion-formers, the churches, the farmers, the unions or political parties, or made direct contact with the people, often addressing gatherings after church services. This high-profile information campaign proved to be an important element in UNTAG's operation and one of the keys to its success.

Throughout this political process, a helpful role was played by a Joint Working Group on All Aspects of Impartiality, which had been established in May 1989 comprising delegations from the Administrator-General's office and the office of the Special Representative. The Group dealt with political problems arising from the day-to-day coexistence of the colonial power and UNTAG. Allegations of political misconduct, the bias of the broadcasting authorities, limitations on political activities by local public employees, allegations of prejudice in the control of public meetings and other such complaints were typical agenda items.

The elections took place from 7 to 11 November 1989. Practical arrangements for the election were both complex and demanding, not only because of the terrain, but also because of language diversity, the unfamiliarity of many voters with the balloting procedure, the extensive measures taken to preclude fraudulent voting, and UNTAG's intensive supervision of each step. Three hundred fifty-eight polling stations were established. The total number of United Nations personnel directly involved in the supervisory process was 1,758, including 885 specialist personnel made available by the Governments of 27 States. Of that number, 358 were drawn from the military component of UNTAG personnel to act as ballot-box supervisors. The remaining supervisors came from UNTAG's civilian component and from the rest of the United Nations system. Additionally, 1,023 UNTAG police monitors were assigned to electoral duties. All UNTAG election supervisory personnel were given specialist training.

By the close of polling on 11 November, more than 97% of those registered had voted. Ballot-counting under the supervision of UNTAG began on 13 November at the district level and in Windhoek, and final results were announced on the evening of 14 November. After informing the Secretary-General, the Special Representative certified that the electoral process in Namibia had at every stage been free and fair, and that it had been conducted to his satisfaction.

The Constituent Assembly Proclamation had for some time been the subject of intense negotiations between the Special Representative and the Administrator-General. Once the final text was officially agreed and the elections were over, the Constituent Assembly quickly proceeded to the election of its officers and the drafting of a Constitution for the new country. The broad spectrum of political parties represented in the Assembly adopted the Constitution by consensus; the President was elected by consensus as well. At the ceremony marking its accession to independence on 21 March, the Secretary-General of the United Nations was invited to administer the presidential oath of office. Namibia became a Member of the United Nations on 23 April 1990.

NICARAGUA

ONUVEN

United Nations Observer Mission to verify the electoral process in Nicaragua (ONUVEN)

The Nicaraguan elections on 25 February 1990, held in the broader context of the Central American peace process, were the culmination of a long series of efforts to overcome the complex political and socio-economic crisis which had affected Nicaragua for many years. ONUVEN constituted not only the first major United Nations operation in the Western Hemisphere but also the first time the United Nations had monitored an electoral process within a sovereign State.

The idea of inviting international observers emerged from the Guatemala Agreement (also known as Esquipulas II), signed on 7 August 1987 by the Presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. The Presidents agreed, as part of a regional peace plan, to promote the holding of free and fair elections in the Central American countries. They also agreed that they would invite the United Nations and the Organization of American States (OAS) to send international observers to verify the various electoral processes.

On 3 March 1989, the Minister for Foreign Affairs of Nicaragua requested the Secretary-General to establish a group of observers to verify that the Nicaraguan electoral process was genuine at every stage. The Secretary-General, who had already been asked by the General Assembly to afford the fullest possible support to the Central American Governments in their efforts to achieve peace, especially in developing an effective verification machinery of the agreements, sent several missions to Nicaragua to review reforms in the electoral laws and

the laws governing the mass media, as well as to carry out a study of the new legislation. In an exchange of letters, the Secretary-General informed the President of the General Assembly of his decision to establish ONUVEN, which became operational on 25 August 1989. The Assembly in turn welcomed this decision.

"Nicaragua's elections were probably the most closely observed elections ever in an independent State."

The mission's work was planned in three phases running from August 1989 to February 1990 to coincide, first, with the registration period; second, with the electoral campaign proper; and third, with the elections themselves. The Secretary-General appointed former United States Attorney General Elliot Richardson as his Personal Representative for the verification of the elections in Nicaragua.

ONUVEN's mandate included the following tasks: verifying that political parties were fairly represented in the Nicaraguan Supreme Electoral Council (CSE) and its subsidiary bodies; verifying that political parties enjoyed complete freedom of organization and mobilization, without hindrance or intimidation; verifying that all political parties had equal access to State television and radio in terms of both the timing and the length of broadcasts; and verifying that the electoral rolls were properly drawn up. ONUVEN was also mandated to inform CSE, or its subsidiary bodies, of any complaints received or any irregularities or interference observed in the electoral process. And finally, the mission was to submit periodic reports to the United Nations Secretary-General or, through him, to the General Assembly.

The nature of ONUVEN's mission—to verify that a sovereign State's electoral process was free and fair at every stage—was both complex and delicate. Nevertheless, ONUVEN not only monitored the electoral process, it actively sought to correct whatever substantial defects were discovered. To this end, the members of the mission were in constant touch with CSE and its regional organs, political parties, and government officials, with a view to resolving problems as they developed and thus facilitating an orderly, free and fair electoral process.

ONUVEN staff were granted complete freedom of movement and access nationwide. The core group of ONUVEN observers, present in Nicaragua throughout the whole electoral process, travelled the length and breadth of the country. They attended all major political rallies held by the opposition parties

and the party in power. They received, analysed and followed up on hundreds of complaints submitted by political parties. Where intimidation was alleged, or in cases where candidates withdrew from the campaign, ONUVEN carried out interviews with a view to obtaining full information. Complaints and accusations were incorporated into a data bank for the analysis of trends and patterns.

ONUVEN monitored television programmes with news or political content, along with political party broadcasts and other relevant items, as well as electioneering broadcasts by major radio stations. The same was done in the case of political information in national daily and weekly newspapers. These materials were subjected to quantitative and qualitative examination, including in-depth analysis of the subject-matter and the calibre of the messages. In all, ONUVEN submitted to the Secretary-General and to the General Assembly five factual reports which analysed the situation in the country and included comments and conclusions that reflected the mission's role in verifying the electoral process.

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Nicaragua's polarized electoral campaign was punctuated by political battles and was not immune from acts of violence or intimidation, especially at the beginning. The situation subsequently improved, however, and the final days of the campaign were particularly calm. During that phase, ONUVEN was reinforced by some 190 additional observers drawn from the UN Secretariat, organizations and projects of the United Nations system in the region, and officials of Member States on loan from their Governments. The total number of nationalities represented in ONUVEN amounted to more than 50.

On election day, 207 ONUVEN observers travelled throughout Nicaragua, assisted by a team of 34 persons stationed at the Managua headquarters and regional offices. The observers visited 2,155 polling stations (JRVs) located in 141 of the 143 municipalities in Nicaragua. This figure represented 49 per cent of JRVs and close to 100 per cent of municipalities. During the elections on 25 February, 1,510,838 people out of a total of 1,752,088 registered voters, or 86 per cent of the electorate, cast their vote.

At the close of voting, the UN teams went to previously selected polling stations to monitor the vote count. They then forwarded the data to ONUVEN headquarters in Managua where a team of experts was able to make a rapid projection of the results of the presidential election. The Personal Representative of the Secretary-General was thus the first observer to have election returns early that night, an invaluable tool in the hours before the results were officially recognized. The announcement of the opposition party's victory was made early on 26 February. In its final assessment, ONUVEN concluded that the elections had been conducted in a highly commendable manner. It reiterated its entirely positive evaluation of the activities of CSE and of all levels of the electoral authority, which ensured that the electoral process had been impartial and fair throughout.

The elections in Nicaragua were probably the most closely observed elections ever in an independent State. While ONUVEN was called upon to play a central verifying role during the entire electoral process, there were also observers from OAS, as well as from the Carter Center and other non-governmental organizations. In all, CSE accredited 2,578 foreign observers from 278 organizations, as well as 1,500 foreign journalists.

The success of the ONUVEN mission contributed to creating conditions for the voluntary demobilization of the Nicaraguan resistance and the peaceful transfer of power in Nicaragua. It also enhanced the role of the United Nations in the broader context of the Central American peace process.

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In summary

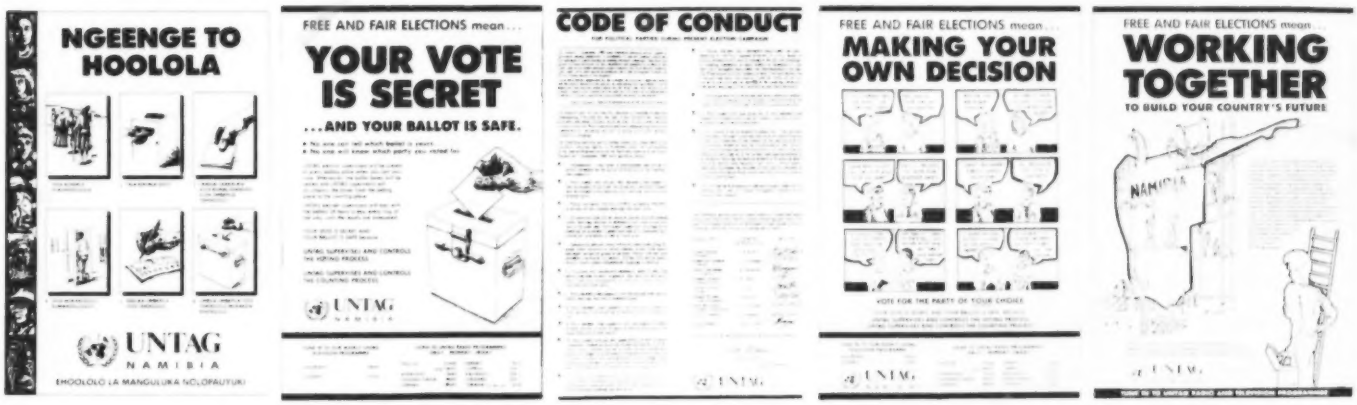
While it is clear that the experience of the United Nations in mounting complex peace-keeping operations was a significant element in the effective performance of UNTAG and ONUVEN, the success of the two missions was also due to the convergence of a number of political factors. Both operations were part of highly publicized regional peace processes. The concern of the international community and its keen interest in achieving a peaceful settlement generated substantial support and assistance from a large number of countries. There were 124 nationalities among UNTAG personnel; among the election observers of ONUVEN, more than 50. This participation by people from a large number of countries and the intense interest of the international media made it clear to local protagonists that the world was watching their actions.

In both cases, the political will of the host-country authorities to co-operate with the United Nations was vital to the success of the mission. In Nicaragua, ONUVEN sought and largely achieved modifications of irregularities by maintaining an ongoing dialogue with the Supreme Electoral Council, political parties, government authorities and religious and civic leaders. In Namibia, UNTAG's diligence brought about substantial changes when electoral legislation or practical arrangements were found not to be conducive to free and fair elections. Both missions sought solutions appropriate to local circumstances, such as helping to ensure equal access to the media and their objectivity and, in Namibia, the Code of Conduct for political parties. In addition, UNTAG's high-profile information programme established the operation's identity throughout the country in all population groups and in their own languages. These activities contributed significantly to the relatively peaceful conditions prevailing at the time of the elections and gave the population confidence that their vote would be secret and free from intimidation and fear.

In both countries, the United Nations was able to build on existing popular support for democratic participation in the political process. The high rate of voter turnout—97 per cent of registered voters in Namibia and 86 per cent in Nicaragua—was testimony to the success of UNTAG and ONUVEN. In Namibia and Nicaragua, the United Nations demonstrated its ability to supervise, verify and monitor elections and assist countries in creating conditions in which their people could exercise a free choice devoid of intimidation or fear.

Other calls for UN election observers

The strict and impartial implementation by UNTAG and ONUVEN of their mandates has reinforced confidence in the effectiveness of the United Nations as an objective third party in volatile and polarized situations. In response to calls for election observers in other areas in the world, the United Nations has provided expert assistance and technical advice concerning the administration of electoral processes, including electoral documentation, computerization of civil and electoral registers, and training of electoral officers. Following a request by



the Government of Haiti, the UN General Assembly on 10 October 1990 asked the Secretary-General to provide electoral assistance to that country. This assistance includes observers for the electoral process, advisory assistance to the Co-ordinating Committee for the security of the elections, and observation of the implementation of the electoral security plans.

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Currently, planning is under way for other United Nations operations which involve an election or referendum process. Plans call for the United Nations to organize and conduct a referendum in Western Sahara, in which the people of the territory would choose between independence and integration with Morocco. As the Central American peace process evolves, a possible UN role is envisaged in monitoring elections in El Salvador. And, in Cambodia, the organization and supervision of elections by the United Nations is an integral part of the proposed framework for an overall comprehensive settlement. Once the parties involved have reached the necessary agreements and the operations are approved by the pertinent United Nations organs, the recent experiences of UNTAG and ONUVEN should serve as a useful guide.

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